APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,989	02/27/2004	Daniel G. O'Neil	50037.229US01	6860

				EXAMINER
27488	7590	02/07/2006		LUU, MATTHEW

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ART UNIT	PAPER NUMBER
3663	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	10/788,989	O'NEIL ET AL.
	Examiner	**Art Unit**	
	LUU MATTHEW	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 07 December 2005.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,6-9,12,14,16-18 and 24-31* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,6-9,12,14,16-18 and 24-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 4, 12 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing

to comply with the written description requirement. The claim(s) contains subject

matter, which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention.

The Applicant amended claims 4 and 12 from a <u>hardware element</u> is a software-

defined soft key to "the <u>software element</u> is a soft key". This amendment is

contradictory and it raises new matter, which was not described in the specification as

originally filed.

The Applicant's specification, lines 5-8 teaches "The <u>hardware element</u> may

include any component associated with a mobile device that is configured to be

illuminated such as a keypad, <u>a software-define soft key</u>, a fascia, a lens, an antenna,

an accessory, or other elements." Nowhere in the specification discloses the exact

words "wherein the software element is a soft key".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 6-7, 9, 14, 18 and 25-28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Deeds (US 2004/0198455).

Claim 1.

Deeds discloses (Figs. 7-9) a method for using a color scheme to communicate

information associated with an event and related to the integration of hardware and

software in a computing device, comprising:

receiving an event at the computing device (Fig. 7 shows the step 330 of select

entry or caller group. This step of selecting is considered as an event),

the event corresponding to a software element that has an associated color scheme

(Fig. 7 shows step 330, wherein a software element is the entry, e.g., the name of a

person or a caller group displayed on the display 110. Fig. 7 also shows the step 340

for selecting color scheme for the entry or the caller group) (Section 41); wherein the

software element (Fig. 9, MARK) is associated with a user interface display (110) of the

computing device (10);

determining a color value associated with the event, the color value

corresponding to the color scheme of the software element (Section 42, lines 1-3; and

lines 8-11 teaches the color value is the steady amber pulses or rapidly flashing red

pulses); and

illuminating the software element (Fig. 9 show the software element, MARK, is

illuminated) on the user interface display (110) and a corresponding hardware button

(illuminating the keys 2 and 5) on the computing device (10) according to the color

value of the event (the green color value) (Section 52, the last seven lines).

Deeds further disclose wherein illuminating the software element and hardware

button such that the information associated with the event is communicated to a user

(illuminating the MARK entry and the keys 2 and 5 would communicates the information

(the speed dialing information) associated with the event (Section 52, the last seven

lines).

Deeds fails to explicitly teach "wherein a change to the color scheme of the

software element results in a change in the color value".

However, Deeds also teaches the user can assign color schemes to different

entries and/or caller groups (as shown in block 360). The user can also set different

types of illumination (Section 42).

Therefore, based on the above teaching, it would have been obvious to a person

of ordinary skill in the art to realize that the user of the mobile device of Deeds is

capable of setting or changing the color scheme of the software element according to a

new color value or a new type of illumination.

Deeds further teaches (Fig. 9) "two entries of the directory correspond to "Mark"

and "John", where "Mark" represents the primary entry and is associated with the keys

(2) and (5) for speed dialing. Also as illustrated, the entry for "Mark" is associated with a

green color scheme, thus, the region of the display presenting the entry "Mark", is

illuminated green, as are the keys (2) and (5)" (Section 52, the last seven lines).

Therefore, based on this teaching, the color value of the software element (Mark) is

matching with the color value of the hardware button (2) and (5).

Claim 6.

Deeds discloses (Fig. 9) the step of illuminating the hardware button (keys 2 and

5) with an illuminating element, which is a light emitting diode (LED) (Section 53).

Claim 7.

Deeds also teaches the user can assign color schemes to different entries and/or

caller groups (as shown in block 360).

Claim 9.

Deeds discloses (Figs. 7-9) a method for using a color scheme to communicate

information associated with an event and related to the integration of hardware and

software in a computing device, comprising:

a memory (Fig. 1, non-volatile memory 160 and volatile memory 180) of the

computing device (10) that is arrange to receive an event, the event corresponding to a

software element that has an associated color scheme (Fig. 7 shows step 330, wherein

a software element is the entry, e.g., the name of a person or a caller group displayed

on the display 110. Fig. 7 also shows the step 340 for selecting color scheme for the

entry or the caller group) (Page 5, section 41);

the software element (Fig. 9, MARK) is associated with a user interface display

(110) of the computing device (10);

The software element (on the display 110) is coupled to the memory (Fig. 1, 160

and 180) via the controller (80);

a color value associated with the event, the color value corresponding to the

color scheme of the software element (Section 42, lines 1-3; and lines 8-11 teaches the

color value is the steady amber pulses or rapidly flashing red pulses); and

an illuminating element (LEDs 210) coupled to the memory via a controller (80);

and

a hardware button (keypad 140 with buttons (2) and (5)) coupled to the

illuminating element (210), wherein the illuminating element illuminates the hardware

button according to the color scheme when the event is received (Section 52, the last

seven lines).

Deeds further disclose wherein illuminating the software element and hardware

button such that the information associated with the event is communicated to a user

(illuminating the MARK entry and the keys 2 and 5 would communicates the information

(the speed dialing information) associated with the event (Section 52, the last seven

lines).

Deeds fails to explicitly teach "wherein a change to the color scheme of the

software element results in a change in the color value".

However, Deeds also teaches the user can assign color schemes to different

entries and/or caller groups (as shown in block 360). The user can also set different

types of illumination (Section 42).

Therefore, based on the above teaching, it would have been obvious to a person

of ordinary skill in the art to realize that the user of the mobile device of Deeds is

capable of setting or changing the color scheme of the software element according to a

new color value or a new type of illumination.

Deeds further teaches (Fig. 9) "two entries of the directory correspond to "Mark"

and "John", where "Mark" represents the primary entry and is associated with the keys

(2) and (5) for speed dialing. Also as illustrated, the entry for "Mark" is associated with a

green color scheme, thus, the region of the display presenting the entry "Mark", is

illuminated green, as are the keys (2) and (5)" (Section 52, the last seven lines).

Therefore, based on this teaching, the color value of the software element (Mark) is

matching with the color value of the hardware button (2) and (5).

Claim 14.

Deeds discloses (Fig. 9) the step of illuminating the hardware element (keys 2

and 5) with an illuminating element, which is a light emitting diode (LED) (Section 53).

Claim 16.

Deeds also teaches the user can assign color schemes to different entries and/or caller groups (as shown in block 360).

Claim 18.

Note the rejection as set forth above with respect to claim 1.

Claim 25.

Deeds also teaches the user can assign color schemes to different entries and/or caller groups (as shown in block 360).

Claims 26-28.

Deeds discloses (Fig. 3) wherein the event is a guide (preferences menu 310) for user action.

Claim Rejections - 35 USC § 103

Claims 4, 12, 24 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deeds as applied to claims 1, 9 and 18 above, and further in view of Messel et al (US 2004/0204125).

Claims 4, 12 and 24.

As best understood, Deeds fails to teach "the software element is a soft key".

However, Messel discloses (Fig. 1a) a pair of soft keys (8 and 8'), whose default

function or the present function is displayed in separate fields (Menu 11 and Names 11')

(Section 40).

Therefore, it would have been obvious to the person of ordinary skill in the art to

use the software soft keys of Messel into the phone device of Deeds to provide a multi-

functionality soft keys.

Furthermore, it would have been obvious to the person of ordinary skill in the art

to realize that the software element (Mark) is a soft key since it is conventional in the art

that a Graphic User Interface (GUI) touch sensitive screen can be implemented in a

portable electronic device such as navigational device, PDA, portable phone, etc.

Claims 29-31.

Messel further teaches different events, such as incoming calls, incoming calls

from a particular caller or caller group event, ... or a calendar reminder event (Section

4).

It would have been obvious to the person of ordinary skill in the art to use the

particular caller group event and a calendar reminder event of Messel into the phone

device of Deeds since this is conventional in the art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Deeds in view of Cadiz et al (US 2003/0164862).

Claims 8 and 17.

The only difference between the disclosure of Deeds and the claimed invention is

that claims 8 and 17 require the color scheme changes to communicate information

corresponding to elapsed time associated with the event.

However, Cadiz discloses (figs. 2 and 4A) the changing of the appearance of a

graphically displayed ticket (210) to communicate information (changing information or

communications state or status) corresponding to elapse time associated with the event

(ticket 210). See page 11, section 100; and page 17, section 184.

It would have been obvious to a person of the art at the time of the invention to

use the graphical alert method of Cadiz into the communication method of Deeds to

allow a user to set up a schedule meeting or reading a message, wherein the alert

feature would remind the user of the meeting or reading a message.

Response to Arguments

Applicant's arguments with respect to claims 1,4, 6-9, 12, 14, 16-18 and 24-31

have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues, at page 7, by asserting that Deeds does not disclose

"determining a color value associated with the event, the color value corresponding to

the color scheme of the software element, wherein a change to the color scheme of the

software element results in a change in the color value...." The examiner respectfully

disagrees.

Deeds clearly discloses the step of:

determining a color value associated with the event, the color value

corresponding to the color scheme of the software element (Section 42, lines 1-3; and

lines 8-11 teaches the color value is the steady amber pulses or rapidly flashing red

pulses); and

illuminating the software element (Fig. 9 show the software element, MARK, is

illuminated) on the user interface display (110) and a corresponding hardware button

(illuminating the keys 2 and 5) on the computing device (10) according to the color

value of the event (the green color value) (Section 52, the last seven lines).

Deeds further disclose wherein illuminating the software element and hardware

button such that the information associated with the event is communicated to a user

(illuminating the MARK entry and the keys 2 and 5 would communicates the information

(the speed dialing information) associated with the event (Section 52, the last seven lines).

Deeds fails to explicitly teach "wherein a change to the color scheme of the software element results in a change in the color value".

However, Deeds also teaches the user can assign color schemes to different entries and/or caller groups (as shown in block 360). The user can also set different types of illumination (Section 42).

Therefore, based on the above teaching, it would have been obvious to a person of ordinary skill in the art to realize that the user of the mobile device of Deeds is capable of setting or changing the color scheme of the software element according to a new color value or a new type of illumination.

Deeds further teaches (Fig. 9) "two entries of the directory correspond to "Mark" and "John", where "Mark" represents the primary entry and is associated with the keys (2) and (5) for speed dialing. Also as illustrated, the entry for "Mark" is associated with a green color scheme, thus, the region of the display presenting the entry "Mark", is illuminated green, as are the keys (2) and (5)" (Section 52, the last seven lines). Therefore, based on this teaching, the color value of the software element (Mark) is matching with the color value of the hardware button (2) and (5).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-

7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

MATTHEW LUU
PRIMARY EXAMINER